

Pablo E. Bustos Esq., Bar No.:4122586
BUSTOS & ASSOCIATES, P.C.
225 Broadway 39th Floor
New York, NY 10007-3001
212-796-6256 Office
pbustos@bustosassociates.com
Attorney for the Creditor Conrad P Burnett Jr

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----x
In re: : Chapter 11
:
: Case No. 12-12020 (MG)
Residential Capital, LLC, et al. :
: Jointly Administered
Debtors. :
-----x

**AMENDED APPLICATION FOR ALLOWANCE OF ADMINISTRATIVE
EXPENSE AND IMMEDIATE PAYMENT PURSUANT TO 11 U.S.C. § 503**

Conrad P Burnett, Claimant, represented and through counsel and pursuant to 11 U.S.C. §503, applies to this Court for allowance of an administrative expense and for immediate payment. In support of this motion, Claimant would show as follows:

1. On July 30, 2009 Conrad P Burnett Jr. received a letter from GMAC Mortgage, Inc., (“GMAC”) stating that he was denied a loan modification and foreclosure would soon commence. Additionally, these acts occurred under a mandate by Congress and stipulation by Debtor and Co-Debtors with the Government and a “Servicer Participation Agreement.” Co-Debtor GMAC as servicer for Deutsche Bank Trust Company Americas under the Home Affordable Modification Program otherwise known as (“HAMP.”) which violates the False Claims Act under 31 U.S.C. §3729 et seq... Evidence of this correspondence is attached herewith and marked as “Exhibit 1”

2. On August 23, 2010 a subsidiary of the Co-Debtor GMAC, Deutsche Bank Trust Company Americas obtained judgment In the Circuit Court of Clarke County, State of Virginia and shortly thereafter took possession of the Creditors real property through novation. The order of that Court is annexed to this Amended Application and marked as Exhibit "2".

3. Claimant had business transactions with Co-Debtor GMAC, Case No. 12-12032 (MG) a subsidiary of Debtor which provided Mortgage Servicing to Conrad P Burnett.

4. Conrad P Burnett Jr. was part of a proceeding in the State of Pennsylvania with Notary Commissioner which was against Susan Turner who was a notary with Countrywide & GMAC for ("robo-signing.") During her employment she falsified documents and filed fraudulent affidavits which lead to the foreclosure of Thousands of homes nationwide. Although damages were not awarded in that case Mr. Burnett would at the very least be entitled to his Administrative Claim on the basis that this claim arose before the filing of this Chapter 11. Attached are communications with the Co-Debtor GMAC prior to the filing of said Bankruptcy proceedings. A copy of the Consent Agreement between GMAC and the Commonwealth of Pennsylvania, Department of State; Before the Secretary of the Commonwealth and attached an incorporated for reference and marked as Exhibit "3."

5. On or about December 6, 2012 Creditor Conrad P Burnett Jr. filed a Civil Action for Conversion of an Instrument under Va. Code §8.3A-420; Case No. 12002111 in the Circuit Court of Clarke County, State of Virginia.

6. Debtor filed its voluntary petition under Chapter 11 of the Bankruptcy Code on May 15, 2012.

7. After the filing of the petition in this case Conrad P Burnett, in the ordinary course of business, provided a Proof of Claim No. 345 filed July 27, 2012 and was served to Debtor's and Co-Debtor's and collectively they did not object. Copies of the Original Application for Administrative Expenses, and monthly billing statements showing the dates and nature of the administrative expenses incurred by the Claimant are annexed as Composite Exhibit "4". Conrad P Burnett has billed Debtor and Co-Debtor both for these expenses.

8. Creditor Conrad P Burnett filed his Original Application for Allowance of Administrative Expense and Immediate Payment was filed on January 8, 2014 with a sworn affidavit attached herewith and marked as Exhibit "4" and incorporated for reference.

9. On January 8, 2014 the Trustee entered an additional Proof of Claim No. 7413. The deadline for objection to all administrative claims was June 15, 2014. In fact, Debtor and Co-Debtor GMAC did not object Conrad P Burnett's claims.

10. Debtor owes Conrad P Burnett, Claimant \$750,790.00 for failed mortgage servicing rendered in the ordinary course of business between May 14, 2012, and December 17, 2013.

11. This claim is not subject to any set off or counterclaim and Conrad P Burnett holds no security for the debt.

12. Creditor Conrad P Burnett Jr is entitled to payment of all administrative expenses on the grounds that he can show good cause as to his prior claims against Co-Debtor GMAC prior to the filing of this instant Chapter 11 filed by Debtor, Residential Capital, LLC, et al.

13. All conditions precedent to the relief demanded herein have been performed or have occurred.

WHEREFORE, Claimant Conrad P Burnett moves this Court to enter an Order allowing Conrad P Burnett an administrative expense, pursuant to 11 U.S.C. §503 and directing immediate payment of that claim.

Date: 8/30/2014

Respectfully Submitted,



Pablo E. Bustos, Esq.
Attorney for the Plaintiff

Pablo E. Bustos Esq., Bar No.:4122586
BUSTOS & ASSOCIATES, P.C.
225 Broadway 39th Floor
New York, NY 10007-3001
212-796-6256 Office
pbustos@bustosassociates.com
Attorney for the Creditor Conrad P Burnett Jr

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: : Chapter 11
: :
Residential Capital, LLC, et al. : Case No. 12-12020 (MG)
: :
Debtors. : Jointly Administered

X

NOTICE OF APPLICATION FOR ADMINISTRATIVE EXPENSE

Notice is hereby given that "Application" has been filed with the Court and Application for Allowance of Administrative Expense and Immediate Payment (the "Application") Pursuant to 11 U.S.C. §503(b)(1) and §507(b). A copy of the Application is attached hereto.

Notice is further given that objections to the Application must be filed in writing with the Court and served to Attorney Pablo E. Bustos, Esq. at the address below within twenty days of the date of the notice. A hearing will be held on the Application only if an objection is timely and properly filed. In the absence of a timely written objection, the Application will be considered uncontested and the Applicant will submit an appropriate order granting the Application.

Date: 8/30/2014

Respectfully Submitted,



Pablo E. Bustos, Esq.
Attorney for the Plaintiff

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----x
In re: : Chapter 11
: Case No. 12-12020 (MG)
Residential Capital, LLC, et al. : Jointly Administered
Debtors. :
-----x

ORDER

The application of Conrad P Burnett for the payment of administrative expenses was filed with this Court on August _____, 2014. Notice was served on the parties in interest in these proceedings. The objections of Residential Capital, LLC to such application were filed on _____, 2014. The Court heard the motion and objections on _____, 2014.

IT IS ORDERED that \$750,790.00 of administrative expenses is allowed as administrative expenses, specifically, legal expenses, filing fees, attorney's fees, and proof of claim.

Dated: _____

Honorable Martin Glenn
United Stated Bankruptcy Judge